

In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR HENDRICKS COUNTY

Case No. 32S00-1310-MS- 707

ORDER APPROVING AMENDED LOCAL RULES

The Judges of the Hendricks Circuit and Superior Courts request the approval of an amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E) and change of judge in criminal cases in accordance with Ind. Criminal Rule 13(C). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Hendricks Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR32-AR 1-1 and LR32-CR 2.2-2 comply with the requirements of Ind. Administrative Rule 1(E) and Ind. Criminal Rule 13(C), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR32-AR 1-1 and LR32-CR 2.2-2 for Hendricks Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2014. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Jeffrey V. Boles, Hendricks Circuit Court, P.O. Box 349, Danville, IN 46122-0349; the Hon. David H. Coleman, Hendricks Superior Court 2, One Courthouse Square, Suite 107, Danville, IN 46122; the Hon. Robert W. Freese, Hendricks Superior Court 1, One Courthouse Square, Suite 106, Danville, IN 46122; the Hon. Stephenie LeMay-Luken, Hendricks Superior Court, One Courthouse Square, Danville, IN 46122; the Hon. Karen M. Love, Hendricks Superior Court 3, One Courthouse Square, Suite 108, Danville, IN 46122-0243; the Hon. Mark Smith, Hendricks Superior Court, One Courthouse Square, Danville, IN 46122; to the Clerk of the Hendricks Circuit

and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Hendricks Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on October 24, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR32 – AR1-3 Plan for Allocation of Judicial Resources

LR32 – AR1-3 Rule 1 Definitions

A. “Week” shall mean 12:01 a.m. Friday until 12:00 a.m. the following Friday.

B. The “weekly rotation” for assignment of cases shall be:

1. “Week 1” means Hendricks Superior Court No. 1.
2. “Week 2” means Hendricks Superior Court No. 2.
3. “Week 3” means Hendricks Superior Court No. 3.
4. “Week 4” means Hendricks Superior Court No. 4.
5. “Week 5” means Hendricks Superior Court No. 5.
6. “Week 6” means Hendricks Circuit Court.

LR32 – AR1-3 Rule 2. Criminal Cases. Criminal case assignment will operate as specified in LR32 – CR2.2-2.

LR32 – AR1-3 Rule 3. Juvenile Cases. All JCs, JDs, JSs, JPs, JMs, and JTs shall be filed in Hendricks Circuit Court.

LR32 – AR1-3 Rule 4. Remaining Civil Cases

A. **Civil Plenary.** PLs shall be filed in Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.

B. **Civil Tort**

1. CTs shall be filed in Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.
2. When all courts have reached their limit for CTs, any additional CTs shall be filed in Hendricks Superior Court No. 3 and Hendricks Superior Court No. 4 on an alternating basis.

C. **Civil Collection.** CCs shall be filed in Hendricks Circuit Court, Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.

D. **Domestic Relations**

1. Except as set forth below, DRs shall be filed in Hendricks Circuit Court, Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.
2. Unless a court has reached its limit for DRs – in which case the DR shall be filed in another court that has not reached its DR limit:

- a. DRs involving the same parties as a pending PO shall be filed in the court presiding over the PO.
 - b. DRs involving the same parties for which an order of protection has been issued shall be filed in the court that issued the order of protection.
- E. Miscellaneous.** MIs shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.
- F. Mortgage Foreclosure.** MFs shall be filed in Hendricks Circuit Court and Hendricks Superior Court No. 2 subject to the case type limits set forth in Appendix A.
- G. Order of Protection**
 - 1. Except as set forth below, all POs shall be assigned according to the weekly rotation as defined in AR1-3 Rule 1.
 - 2. The week beginning 12:01 am on Friday, January 3, 2014 shall be deemed Week 4.
 - 3. Unless a court has reached its limit for POs – in which case the PO shall be filed in another court that has not reached its PO limit:
 - a. POs filed by a party to a pending DR shall be filed in the court presiding over the DR.
 - b. POs filed by a party to a pending JP shall be filed in the court presiding over the JP.
 - c. POs involving the same parties as a pending PO shall be filed in the court presiding over the pending PO.
- H. Probate**
 - 1. All ADs, MHs, and TRs shall be filed in Hendricks Superior Court No. 1.
 - 2. All GUs shall be filed in Hendricks Superior Court No. 5.
 - 3. ES, EUs, and EMs shall be filed in Hendricks Superior Court No. 1 and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.
- I. Small Claims.** SCs shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.
- J. Reciprocal Support.** All RSs shall be filed in Hendricks Circuit Court.
- K.** In the event a party in a civil case does not request to file in a particular court, the case shall be assigned on a random basis to a court that hears that case type, subject to the case type limits set forth in Appendix A.

LR32 – AR1-3 Rule 5. Reassignment

- A.** When a court has reached its limit for a case type, no additional cases of that type shall be filed in that court until all other courts have reached their limit for that case type as set forth in Appendix A.
- B.** When a court has reached its limit for a case type, the Clerk shall notify all courts of this fact and post notice to this effect in the Clerk's Office.
- C.** Except where these rules provide otherwise, when all courts have reached their limit for a case type, any additional cases of that type shall be assigned on a rotating basis among the courts that hear that case type.
- D.** This rule does not limit the authority of the judges and magistrates of the courts of record in the county to preside over hearings or issue orders for one another in order to promote efficiency and provide for timely resolution of cases.
- E.** Cases transferred from one court to another shall not be included in the receiving court's limit for that case type as set forth in Appendix A.

LR32 – AR1-3 Rule 6. Evaluation of Caseload. Changes necessary to ensure that the Hendricks County Courts remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judicial officers.

Appendix A

Case Type	C01	D01	D02	D03	D04	D05
JC	ALL					
JD	ALL					
JS	ALL					
JP	ALL					
JM	ALL					
JT	ALL					
PL			45	45	46	
MF	100		735			
CC	712	200	200	200	200	200
CT				46	62	46
SC	0	694	695	695	695	695
DR	52	125	150	200	150	125
RS	ALL					
MH		ALL				
AD		ALL				
EU		193				192
GU						ALL
TR		ALL				
MI		58	59	59	59	59

LR32 – CR2.2-2 Assignment of Criminal Cases

LR32 – CR2.2-2 Rule 1. Definitions

A. “Week” shall mean 12:01 a.m. Friday until 12:00 a.m. the following Friday.

B. The “weekly rotation” for assignment of criminal cases shall be:

1. “Week 1” means Hendricks Superior Court No. 1.
2. “Week 2” means Hendricks Superior Court No. 2.
3. “Week 3” means Hendricks Superior Court No. 3.
4. “Week 4” means Hendricks Superior Court No. 4.
5. “Week 5” means Hendricks Superior Court No. 5.
6. “Week 6” means Hendricks Circuit Court.

LR32 – CR2.2-2 Rule 2. Criminal Case Assignment

A. General Rule

1. Except as set forth below, all MRs, FAs, FBs, FCs, FDs, and CMs shall be assigned according to the weekly rotation as defined in LR32 – CR2.2-2 Rule 1 by the date on which the offense alleged in the charging document (including grand jury indictments) occurred.
2. In the event of multiple offenses, the date on which the earliest offense alleged in the charging document occurred shall govern the assignment. Filing of multiple offenses shall comply with Administrative Rule 1(B) of the Indiana Rules of Court.
3. In the event a charging document does not set forth a date on which the alleged offense occurred, the case shall be assigned to a court of record in the county on a random basis.
4. The week beginning 12:01 am on Friday, January 3, 2014 shall be deemed Week 4.

B. IC Title 9 Cases

1. All FAs, FBs, FCs, FDs, and CMs filed under IC Title 9 shall be assigned to Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 according to the weekly rotation.
2. All FAs, FBs, FCs, FDs, and CMs filed under IC Title 9 during Weeks 1 and 6 shall be assigned on a rotating basis to Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5.

C. Domestic Violence Cases. All cases filed under IC 35-42-2-1.3 or IC 35-46-1-15.1 shall be assigned to Hendricks Superior Court No. 1.

D. Post Conviction Relief Petitions

1. All PCs shall be assigned to the same court where the defendant was tried or pled guilty.
2. In the event the defendant was tried or pled guilty in another county, the PC shall be assigned according to the weekly rotation as defined in LR32 – CR2.2-2 Rule 1.

E. Miscellaneous Criminal Cases. All MCs shall be assigned according to the weekly rotation as defined in LR32 – CR2.2-2 Rule 1.

F. Infractions and Ordinance Violations

1. Unless filed as additional charges in a felony or misdemeanor proceeding -- in which case the infractions shall be resolved in conjunction with the felony or misdemeanor proceeding:
 - a. All IFs issued by the Danville Police Department shall be assigned to Hendricks Superior Court No. 5.
 - b. All other IFs shall be assigned to the appropriate Town Court.
2. All OV's shall be assigned to Hendricks Superior Court No. 5.

G. Town Courts

1. Brownsburg Town Court
 - a. All cases filed under IC 35-43-5-5 shall be assigned to Brownsburg Town Court.
 - b. All CMs that occur within the limits of the town of Brownsburg shall be assigned to Brownsburg Town Court except cases filed under:
 - i. IC 9-30-5-1,
 - ii. IC 9-30-5-2,
 - iii. IC 35-42-2-1.3, or
 - iv. IC 35-46-1-15.1.
2. Plainfield Town Court
 - a. All CMs that occur within the limits of the town of Plainfield shall be assigned to Plainfield Town Court except cases filed under:
 - i. IC 9-30-5-1,
 - ii. IC 9-30-5-2,
 - iii. IC 35-42-2-1.3, or
 - iv. IC 35-46-1-15.1.

LR32 – CR2.2-2 Rule 3. Re-Filings and Subsequent Filings

- A. Subsequent to Dismissals.** In the event the State of Indiana dismisses a case or charge, any subsequent re-filing of that case or charge against the defendant shall be assigned to the court from which the dismissal was taken.
- B. Filing of Additional Charges.** When additional charges are filed against a defendant subsequent to the assignment of the case, all such additional charges to be resolved in conjunction with the pending case shall be assigned to the court of initial assignment.
- C. New Causes of Action**
1. When a new cause of action is filed against a defendant in a court of record in the county with an existing felony or misdemeanor proceeding in a Town Court, the existing cause(s) of action shall be assigned to the court of record administering the new cause of action.
 2. When a new cause of action is filed against a defendant who is on probation or is a defendant in an existing felony or misdemeanor proceeding, the judge of the court in which the probation is being supervised or in which the existing cause of action is pending shall confer with the judge of the court where the new cause of action is filed in order to determine into which court to consolidate all proceedings.

3. If the judges in subsection (2) cannot agree upon which court to consolidate all proceedings, all proceedings in subsection (2) shall be returned to the Clerk for random assignment to a court of record in the county.

LR32 – CR2.2-2 Rule 4. Reassignment

- A. In the event a change of judge is granted, an order of disqualification or recusal has been entered, or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk for random assignment to another court of record in the county.
- B. A judge, by appropriate order entered in the record of judgments and orders, may transfer and reassign any pending case to any other court of record in the county, subject to acceptance by the receiving court.
- C. This rule does not limit the authority of the judges and magistrates of the courts of record in the county to preside over hearings or issue orders for one another in order to promote efficiency and provide for timely resolution of cases.

LR32 – CR2.22 Rule 5 Appointment of Special Judge

- A. In the event a local judge is unavailable to accept reassignment of a case pursuant to LR32 – CR2.2-2 Rule 4, the case shall be returned to the Clerk for random assignment from a list of full-time judicial officers from contiguous counties and counties within the administrative district of the court and any senior judges assigned to the court who have agreed to serve as a special judge.
- B. In the event that no judge under this local rule is available, or the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.